

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter A. Quigley et al.

Serial No.: 10/051,624

Filed: January 18, 2002

For: Composite Spoolable Tube with
Sensor

Art Unit: 1771

Examiner: E. Cole

Atty. Docket: FPY-048.03 (22823-4803)

#7

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile (703) 872-9310, Attn: Examiner Elizabeth M. Cole, U.S. Patent and Trademark Office, Washington, D.C. 20231 on this date: December 27, 2002.


Joan E. Meagher

Commissioner for Patents
Washington, D.C. 20231

RESPONSE

Sir:

In response to the Office Action dated September 27, 2002, Applicant submits the following remarks. Claims 47-97 are pending in the application.

Double Patenting Rejection of Claims 47-97

The Office Action rejected claims 47-97 under judicially created doctrine of obviousness-type double patenting as being unpatentable over at least claim 1 of U.S. Patent No. 6,004,639.

Applicant submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate this rejection.

The Office Action rejected claims 47-97 under judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,921,285.

Applicant submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate this rejection.

20/529276.1

FPY-048.03
Art Unit 1771

The Office Action rejected claims 47-97 under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,361,299.

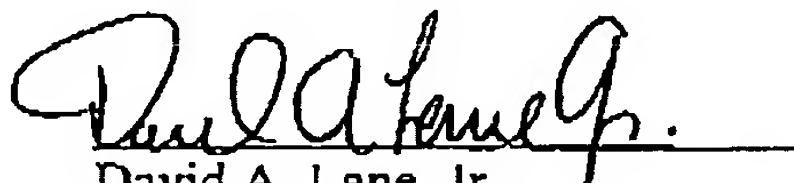
Applicant submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate this rejection.

Conclusion

In view of the arguments set forth above, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with the Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (617) 832-1197.

Respectfully submitted,

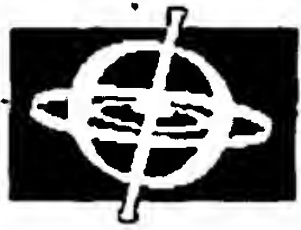
FOLEY HOAG, LLP



David A. Lane, Jr.,
Registration No. 39,261
Attorney for Applicants

Date: December 27, 2002

Customer Number 25181
Patent Group
Foley Hoag
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**FOLEY
HOAG** LLP
ATTORNEYS AT LAW

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Date: December 27, 2002

To: Examiner Elizabeth Cole

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Client Matter#: 22823-4803

From: David A. Lane, Jr.

Sender's Number: 1197

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Total Pages Sent (Including Cover Sheet): 8

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Message

Transmitted herewith in connection with U.S.S.N. 10/051,624 are the following documents:

Transmittal Form (1 pg);

Fee Transmittal Form (1 pg);

Response (2 pgs);

Terminal Disclaimer re: Pat. No. 6,004,639 (1 pg);

Terminal Disclaimer re: Pat. No. 5,921,285 (1 pg);

Terminal Disclaimer re: Pat. No. 6,361,299 (1 pg); and
this cover sheet.

OFFICIAL

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Foley Hoag LLP www.foleyhoag.com

Received from < > at 12/27/02 11:44:51 AM [Eastern Standard Time]

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/2002. OMB 0651-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/051,624
	Filing Date	January 18, 2002
	First Named Inventor	Peter A. Quigley
	Group Art Unit	1771
	Examiner Name	E. Cole
Total Number of Pages in This Submission	Attorney Docket Number	FPY-048.03 (22823-4803)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application. <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Terminal Disclaimer re: Pat. No. 6,004,639 - Terminal Disclaimer re: Pat. No. 6,921,286 - Terminal Disclaimer re: Pat. No. 6,361,299 - Fax Cover Sheet
Remarks		Customer No 25181

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David A. Lane, Jr., Reg. No. 39,261
Signature	
Date	December 27, 2002

CERTIFICATE OF FACSIMILE TRANSMISSION

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Typed or printed name	Joan E. Meagher		
Signature		Date	December 27, 2002

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PTO/SB/17 (10-01)

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number	10/051,624
Filing Date	January 18, 2002
First Named Inventor	Peter A. Quigley
Examiner Name	E. Cole
Group / Art Unit	1771
Attorney Docket No.	FPY-048.03 (22823-4803)

TOTAL AMOUNT OF PAYMENT (\$) \$330.00

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:Deposit
Account
Number

06-1448

Deposit
Account
Name

Foley Hoag

☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status.
See 37 CFR 1.27
2. ☐ Payment Enclosed:
☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fec from below	Fee Paid
Independent Claims	0	X	0
Multiple Dependent	0	X	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	260	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	620	217	480	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	60	123	60	Processing fee under 37 CFR 1.17 (g)	
126	180	126	180	Submission of Information Disclosure Sheet	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) Three Terminal Disclaimers

330

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 330

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

David A. Lane, Jr.

Registration No. Attorney/Agent

39,261

Telephone

617-832-1197

Signature

Date

December 27, 2002

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